

REMARKS

Claims 1, 3-14 and 18-20 are pending in this application. Claims 1, 11 and 12 are independent claims. Claims 1, 10, 11, 12 and 20 are amended. Claim 17 is canceled. Reconsideration and allowance of the present application are respectfully requested.

Interview Summary

Applicants note with appreciation that on April 18, 2008, an interview was conducted with the Examiner. The §102(e) rejections of claims 1, 3-14 and 17-20 were discussed as well as the §112 rejections of claims 1, 3-14, and 17-20. With respect to the §112 rejection, the Examiner suggested using the term 'minimum' as opposed to 'lowest'. No further agreements were reached.

Claim Rejections

Rejections under 35 U.S.C. §112

Claims 1, 3-14 and 17-20 stand rejected under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement. The Examiner objects to the use of the term "lowest TTI". The claims have been amended in accordance with the Examiner's suggestions from the interview of April 18, 2008. Accordingly, Applicants submit claims 1, 3-14 and 18-20 comply with the requirements of §112, first paragraph.

Therefore, Applicants respectfully request that this rejection of claims 1, 3-14 and 18-20 under 35 U.S.C. §112, first paragraph be withdrawn.

Claims 1, 3-14 and 17-20 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner objects to the use of the term "lowest TTI". The claims have been amended in accordance with the Examiner's suggestions from the interview of April 18, 2008. Accordingly, Applicants submit claims 1, 3-14 and 18-20 comply with the requirements of §112, second paragraph.

Therefore, Applicants respectfully request that this rejection of claims 1, 3-14 and 18-20 under 35 U.S.C. §112, second paragraph be withdrawn.

Rejections under 35 U.S.C. §102 - Vayanos

Claims 1, 3-14 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0122400 ("Vayanos et al."). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that Vayanos fails to teach each of the elements in claim 1. Claim 1 has been amended and now recites "the formed composite channel having one TTI, the TTI of the formed composite transport channel being equal to the minimum TTI of the TTIs associated with the independently generated transport channels". Vayanos does not teach this limitation. On the contrary, Vayanos teaches a composite channel having many TTIs (Vayanos: [0041]). Accordingly, Vayanos fails to teach a composite channel having one TTI as claim 1 recites. Further, nothing in Vayanos teaches the step of choosing as the one TTI of a composite channel a TTI "equal to the minimum TTI of the TTIs associated with the independently generated transport channels" as claim 1 also recites. Accordingly, at least for the reasons stated above, Vayanos fails to teach each of the elements of claim 1 as is required to support a rejection under §102.

Additionally, claims 11 and 12 have been amended and contain limitations similar to those in claim 1. Accordingly, at least in view of their similarity to claim 1, Vayanos fails to teach each of the limitations in either of claims 11 and 12 as is required to support a rejection under §102.

Furthermore, claims 3-10 depend from claim 1; and claims 13, 14 and 18-20 depend from claim 12. Accordingly, at least in view of their dependency from claims 1 and 12, Vayanos fails to teach each of the elements in any of claims 3-10, 13, 14 and 17-20 as is required to support a rejection under §102.

Therefore, Applicants respectfully request that this rejection of claims 1, 3-14 and 18-20 under 35 U.S.C. §102 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

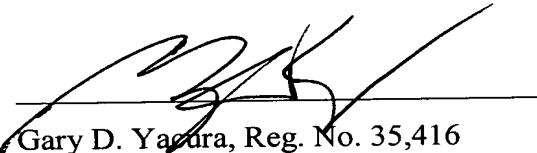
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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By


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